

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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SECURITIES INVESTOR PROTECTION CORPORATION,	:	Adv. Pro. No. 08-01789 (BRL)
	:	
	:	SIPA LIQUIDATION
Plaintiff-Applicant,	:	
v.	:	(Substantively Consolidated)
	:	
BERNARD L. MADOFF INVESTMENT SECURITIES, LLC,	:	
	:	
Defendant,	:	
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In re:	:	
	:	
BERNARD L. MADOFF,	:	
	:	
Debtor	:	
-----X		
IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC,	:	
	:	Adv. Pro. No. 10-04585 (BRL)
Plaintiff,	:	
	:	
v.	:	
	:	
MILDRED S. POLAND REVOCABLE TRUST DTD 9/8/87; THE ESTATE OF MILDRED S. POLAND; and PHYSLIS POLAND-FERRITER, in her capacity as Personal Representative of the Estate of Mildred S. Poland and Successor Trustee of the Mildred S. Poland Revocable Trust dtd 9/8/81,	:	
	:	
Defendants.	:	
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**NOTICE OF DEFENDANTS' MOTION TO DIMISS THE COMPLAINT**

**PLEASE TAKE NOTICE THAT** Defendants, Mildred S. Poland Revocable Trust dtd 9/8/87, the Estate of Mildred S. Poland, and Phyllis Poland-Ferriter, in her capacity as Personal

Representative of the Estate of Mildred S. Poland and Successor Trustee of the Mildred S. Poland Revocable Trust dtd 9/8/87 (“Poland” or “Defendants”) respectfully move the Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”) for an order, pursuant to Federal Rule of Civil Procedure 12(b)(6), made applicable herein by Federal Rule of Bankruptcy Procedure 7012, dismissing the Complaint filed against them by Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities, LLC, for the reasons set forth in the accompanying *Memorandum of Law in Support of Defendants’ Motion to Dismiss the Complaint*.

**PLEASE TAKE FURTHER NOTICE THAT** Defendants have made no prior request for the relief sought herein.

**WHEREFORE**, Defendants respectfully request that this Court enter an order granting the relief requested herein, and such other and further relief as this Court deems just and proper.

Dated: New York, New York  
April 17, 2014

Respectfully submitted,

/s/ Marc Rosenberg  
Marc Rosenberg  
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*Attorneys for Defendant*